

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

TEXTRON FINANCIAL CORPORATION,  
  
Plaintiff,  
  
vs.  
  
MICHAEL S. GALLEGOS,  
  
Defendant.

CASE NO. 15cv1678-LAB (DHB)  
  
**ORDER DENYING MOTION TO  
QUASH SUBPOENAS**

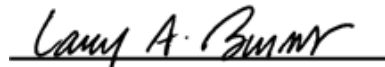
Textron obtained a \$21,921,165.45 judgment against Gallegos in the U.S. District Court for the District of Rhode Island, but Gallegos hasn't paid it. (Docket nos. 40-1 and 40-6.) Its assignee, SPE LO Holdings, sought a charging order against Gallegos' interest in two entities: Pacific Pearl Hotels, LLC and Pacific Pearl Hotel Management, LLC. (Docket no. 40.) SPE LO provided California Secretary of State documents, which establish that Gallegos is a manager of the two LLCs. (Docket nos. 40-2, 40-3, and 40-4.) Because SPE LO couldn't show that Gallegos had a membership interest in the LLCs, the Court denied its motion for a charging order. (Docket no. 56.) But "[t]o avoid the possibility that Gallegos ha[d] avoided entry of a charging order by playing coy, the Court authorize[d] SPE LO to pursue postjudgment discovery to determine whether Gallegos is, in fact, a member of the LLCs." (*Id.* at 4.)

Now the LLCs have moved to quash subpoenas issued to them because Textron didn't tender the witness fees when it served the subpoenas. (Docket nos. 59 and 60.) The

1 subpoenas are dated November 17, 2015. (Docket nos. 59-2 and 60-2.) They notice the  
2 depositions for December 16, 2015 and December 17, 2015—i.e. 2 days after the filing of  
3 the LLCs' motions to quash. (*Id.*) The LLCs give no indication that they made any effort to  
4 meet and confer regarding the alleged defects in the subpoenas before filing their motion.  
5 This sequence of events reeks of improper gamesmanship by the LLCs, and the Court sees  
6 no reason to grant their eleventh hour motion to quash. It is **DENIED**. If the LLCs must have  
7 their witness fees, they should seek them from their manager—Gallegos—who owes millions  
8 of dollars to Textron.

9 **IT IS SO ORDERED.**

10 DATED: December 14, 2015

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12 **HONORABLE LARRY ALAN BURNS**  
13 United States District Judge  
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